

**IN THE UNITED STATES DISTRICT COURT  
FOR THE STATE OF NEW MEXICO**

**STATE OF NEW MEXICO, *ex rel.*  
State Engineer**

**Plaintiff,**

**v.**

**RAMON ARAGON, *et al.*,**

**Defendants.**

FILED  
UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

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**69cv07941 JC-ACE**

**RIO CHAMA STREAM SYSTEM  
Rio Gallina, Section 5**

**STATUS REPORT  
BY THE NEW MEXICO STATE ENGINEER**

COMES NOW the plaintiff, State of New Mexico, *ex rel.*, State Engineer, by and through its undersigned attorney, and submits the following status report on the progress of the adjudication of the Rio Gallina Section of the Rio Chama Stream System pursuant to the Order entered by the Special Master on October 13, 2000 (Doc. No. 5963).

**RIO GALLINA SECTION**

1. Following field offices held in Gallina and field inspections concerning various claims of the defendants, the State has mailed approximately 45 revised proposed Consent Orders to the claimants. Approximately 25 of these offers are still pending while eight of the offers have been rejected by the filing of an answer. Nine of the revised offers have been accepted. In total, the State has received 20 Consent Orders signed and approved by the defendants. In about 12 cases the State has declined to revise its initial offer. A small number of claims are still being processed and evaluated.

2. Approximately 12 defendants have not contacted the State or attended a field office

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session after waiving service or being served with process, and these defendants are now subject to default. The State will enter these persons default within the next 7 days.

3. The State has received approximately 30 separate "omitted claims." About 1/3 of these claims have been the subject of field investigation. While the remainder have yet to be investigated, it appears to some degree the claims duplicate claims that are the subject of filed answers or claims made during field office sessions that involve established subfiles.

4. Ownership problems have yet to be resolved in about 12 subfiles.

5. The State anticipates that it will require at least 3 months to resolve the remaining ownership problems and to respond to all the claims made by the claimants, with the exception of the recent "omitted claims." Due to an apparent early winter, it may not be feasible to investigate these claims in the field until the spring of 2001.

6. The State proposes no specific additional deadlines or schedule for the next four months. Publication against unknown claimants is presently taking place and the existing deadline for the filing of omitted claims is December 29, 2000. The State anticipates that it will require at least this amount of time in order to determine if disputed claims will be able to be resolved by discussion and agreement, or whether it will be necessary to request a hearing before the special master.

November 14, 2000

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

I certify that the foregoing Motion to Correct Defendants' Names was mailed to the following persons on November 14, 2000.

  
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